

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Cr. No. 2:05cr295-MHT |
| |) | |
| EDDIE LEWIS KNIGHT, a/k/a |) | |
| LOUIS MACKS |) | |

GOVERNMENT'S RESPONSE TO COURT'S ORDER
REGARDING PARAGRAPH 5 OF THE PRESENTENCE REPORT

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and responds to this Court's Order dated August 3, 2006 as follows:

1. At the undersigned's request, ATF Agent Gwen Spence investigated the issue of whether the defendant actually had a firearm in his possession when he made verbal threats to the complainant. Agent Spence has informed the undersigned that other than the complainant's original statement¹, she has no evidence that the defendant possessed a firearm while making verbal threats to the complainant. It should be noted that at the time of the defendant's arrest, the complainant was the defendant's ex-girlfriend.

2. Upon conferring with defense counsel about this case, defense counsel informed the undersigned that the defendant's girlfriend was expected to testify at the defendant's previously scheduled sentencing hearing. The defendant expected the girlfriend to testify that on October 10, 2004, the date of the defendant's arrest, she never saw the defendant possess, brandish or discharge any firearm.

3. Given the results of the Government's investigation in this matter, defense

¹ See Attachment A

counsel has conveyed to the undersigned that the testimony of the ex-girlfriend will probably be unnecessary. However, defense counsel will have the ex-girlfriend present at the hearing in case the Court finds her testimony helpful.

4. Due to the Government and the Defendant's agreement and stipulation on the facts of this issue, defense counsel will not be submitting a pleading on this matter.

Respectfully submitted this the 11th day of August, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

s/A. Clark Morris
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ASB-1613-N77A

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Kevin Butler, Esquire.

LEURA G. CANARY
UNITED STATES ATTORNEY

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